REMARKS

Summary of the Office Action

Claims 34-69 were pending in this application.

The Examiner has rejected claims 34-69 under
35 U.S.C. § 103(a) as being obvious from Ohno et al U.S. Patent
Application Publication No. 2001/0028782 ("Ohno") in view of
Ismail et al. U.S. Patent Application Publication No.
2003/0118323 ("Ismail") in further view of Cheng et al. U.S.
Patent Application Publication No. 2003/0204848 ("Cheng").

Summary of Applicants' Response

Applicants have amended claims 34, 35, 38-41, 43, 44,
47, 48, 53-56, 59, 60, 65, and 67-69 to more particularly
define the claimed invention. Applicants respectfully submit
that these amendments do not add any new matter and are fully
supported by the originally-filed application. The Examiner's
rejections are respectfully traversed.

Applicants' Response

Amended independent claims 34, 43, and 55 recite,
inter alia, that a plurality of solutions to a tuner conflict
between shows in a maintained list is generated by:
(1) "determining which of the shows in the maintained list
conflict with a given one of the shows," (2) "generating a
plurality of candidate solutions, each candidate solution
comprising a subset of the conflicting shows," and
(3) "determining, for each of the plurality of candidate
solutions, whether removal of the subset of the conflicting

17

shows from the maintained list solves the tuner conflict."
Applicants respectfully submit that the combination of Ohno,
Ismail, and Cheng does not show or render obvious at least
these features of applicants' claims. The Examiner's
rejections are accordingly traversed.

Ohno refers to a self-tuner that may, in certain
circumstances, send a request to other connected tuners to
determine if broadcast resources can be shifted to the self-
tuner (see Ohno, ¶ 73 and FIG. 6). The Examiner argues that
this process of shifting broadcast resources shows generating a
solution to a tuner conflict (see Office Action, page 3).
Applicants respectfully submit, however, that Ohno's discussion
of resource shifting does not show or render obvious the
claimed feature of generating a plurality of solutions to a
tuner conflict. Specifically, as the Examiner concedes, Ohno
does not disclose that each solution comprises a subset of
shows (Id.).

In addition, Ohno fails to disclose that solutions
are generated by: (1) "determining which of the shows in the
maintained list conflict with a given one of the shows,"
(2) "generating a plurality of candidate solutions, each
candidate solution comprising a subset of the conflicting
shows," and (3) "determining, for each of the plurality of
candidate solutions, whether removal of the subset of the
conflicting shows from the maintained list solves the tuner
conflict," as recited by applicants' independent claims. In
particular, as the Examiner acknowledges, Ohno does not
disclose a maintained list of shows, let alone determining
conflicts between shows in the list (see Office Action,

18

page 3). Moreover, as further acknowledged by the Examiner, Ohno does not disclose solutions that comprise subsets of shows, and so Ohno neither discloses "candidate solutions" comprising subsets of conflicting shows nor making a determination with regard to "candidate solutions" that involves subsets of conflicting shows (*Id.*). Accordingly, Ohno fails to show or render obvious all the features of applicants' claims.

Furthermore, nothing in Ismail makes up for these deficiencies in Ohno. Ismail refers to a recording manager that gives recording preference to programs based on their priority, which is determined both from program ratings received from a preference agent and user specifications (*see* Ismail, ¶¶ 54 and 55). These program ratings may be used to determine which programs to record when sufficient storage capacity is unavailable (*Id.*) Applicants respectfully submit that Ismail's discussion of priority-based recording does not show or render obvious the claimed feature of generating a plurality of solutions to a tuner conflict, where the tuner conflict is determined when at least two of the shows are scheduled for storage using the tuner at the same time. At best, Ismail's combined use of program ratings and user specifications to determine priority discloses a single solution to a storage capacity issue.

In addition, Ismail fails to disclose that solutions are generated by: (1) "determining which of the shows in the maintained list conflict with a given one of the shows," (2) "generating a plurality of candidate solutions, each candidate solution comprising a subset of the conflicting

19

shows," and (3) "determining, for each of the plurality of candidate solutions, whether removal of the subset of the conflicting shows from the maintained list solves the tuner conflict," as recited by applicants' independent claims. In particular, as discussed above, Ismail refers to recording shows "subject to storage capacity constraints," but fails to determine conflicts between shows (see Ismail, ¶ 54). Moreover, as discussed above, Ismail fails to show or render obvious multiple solutions, let alone the generation of multiple "candidate solutions." For this same reason, Ismail would have no reason to determine which "candidate solutions" solve the tuner conflict. Therefore, combining the features of Ohno with those of Ismail, as the Examiner suggests, still fails to show or render obvious all the features of applicants' claims.

Finally, nothing in Cheng makes up for these deficiencies in Ohno and Ismail. Cheng refers to a priority manager that can implement "various schemes" for assigning priorities to events, which are user-adjustable and used to determine which of the events are recorded in case of conflict (see Cheng, ¶¶ 43-47). The user may resolve conflicts manually or the priority manager may do so (see Cheng, ¶ 46). However, applicants respectfully submit that Cheng's discussion of priority-based recording does not show or render obvious the claimed feature of generating a <u>plurality</u> of solutions to a tuner conflict. In Cheng, the fact that various priority schemes may be utilized does not implicitly show that a plurality of solutions are actually generated. Rather, Cheng's priority manager implements <u>a single one</u> of the various

20

priority schemes in order to set recording prioritization; the other priority schemes are not generated or considered by the priority manager at any point.

In addition, Cheng fails to disclose that solutions are generated by: (1) "determining which of the shows in the maintained list conflict with a given one of the shows," (2) "generating a plurality of candidate solutions, each candidate solution comprising a subset of the conflicting shows," and (3) "determining, for each of the plurality of candidate solutions, whether removal of the subset of the conflicting shows from the maintained list solves the tuner conflict," as recited by applicants' independent claims. As discussed above, Cheng fails to show or render obvious multiple solutions, let alone the generation of multiple "candidate solutions." As such, Cheng would have no reason to determine which "candidate solutions" solve the tuner conflict. Instead, Cheng would simply record programs in accordance with their associated priorities. Therefore, combining the features of Cheng with those of Ohno and Ismail, as the Examiner suggests, still fails to show or render obvious all the features of applicants' claims.

For at least these reasons, the Examiner's rejection of independent claims 34, 43, and 55 under 35 U.S.C. § 103(a) should be withdrawn. Moreover, for at least the same reasons, the rejection of dependent claims 35-42, 44-54, and 56-69 should be withdrawn as well.

Conclusion

      In view of the foregoing, claims 34-69 are allowable. This application is therefore in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

                   Respectfully submitted,

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